

ENTERED

UNITED STATES DISTRICT COURT

April 26, 2024

Nathan Ochsner, Clerk

for the

Southern District of Texas

United States of America)

v.)

Citlali Elizabeth Martinez-Morales)

Defendant)

Case No. 4:24-mj-180

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

- ☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
☒ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (*previous violator*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:

☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):

☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C.

§ 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**

☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; **or**

☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**

☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**

☐ **(e)** any felony that is not otherwise a crime of violence but involves:

(i) a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); **(iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**

☐ **(2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C.

§ 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**

☐ **(3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**

- ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.
- ☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (*narcotics, firearm, other offenses*):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:
- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
 - ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
 - ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
 - ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
 - ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

- ☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis.

OR

- ☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☒ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☒ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☒ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☒ Lack of stable employment
- ☐ Lack of stable residence

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- ☐ Lack of financially responsible sureties
 - ☐ Lack of significant community or family ties to this district
 - ☒ Significant family or other ties outside the United States
 - ☐ Lack of legal status in the United States
 - ☐ Subject to removal or deportation after serving any period of incarceration
 - ☐ Prior failure to appear in court as ordered
 - ☒ Prior attempt(s) to evade law enforcement
 - ☐ Use of alias(es) or false documents
 - ☐ Background information unknown or unverified
 - ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Defendant Citlali Martinez-Morales should be detained pending trial. First, the pending offenses involve the kidnapping and terrorizing of hostages for financial gain. Multiple victims identified Defendant as one of the kidnappers who wielded firearms and stood guard while others made ransom calls to the victims' family members. At least one victim was beaten while in captivity. And the captors threatened to kill the victims if they attempted to escape or if their families failed to pay the ransom. Even if she has no criminal history, Defendant's deep involvement in these violent offenses reflects that her release would endanger the community.

Contrary to her assertions, Defendant was not a reluctant participant. Her text communications expressed eagerness to obtain money from this conspiracy. She was also the designated recipient of at least one ransom payments, as reflected on a Western Union receipt. And far from being forced into the scheme, video footage showed that Defendant had her own vehicle and moved freely in and out of the house where the victims were detained, including going outdoors on her own.

Moreover, Defendant's connections with this human trafficking network, coupled with her conduct and her own connections abroad, create a serious risk of non-appearance. By its nature, the underlying offense involves the covert movement of people. Not all participants in the scheme have been found, leaving Defendant with connections to people who can help her disappear. Indeed, Defendant already fled once, escaping from the house through a window during the FBI raid that rescued the hostages. She even cleared out her prior place of residence. Her admitted daily contact with her father in Mexico also suggests that she has a place to flee abroad. And she has ample incentive to flee now that she faces potentially decades in prison.

More facts render it unreasonable to believe she would comply with any restrictions if released. In addition to fleeing from law enforcement, Defendant told numerous falsehoods attempting to minimize her role in these crimes. She only came to the FBI office because of her naive belief that she could retrieve personal property left at the scene and talk her way out of trouble. Troublingly, too, Defendant asked another person to lie about the source of money she had received. Given her conduct, the Court has no confidence that Defendant would abide by any conditions designed to ensure her appearance or protect the community if she were released.

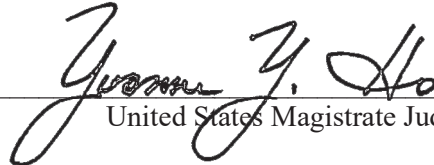
Defendant's proposed third-party custodian is wholly inadequate as well. Her sister is only 20 years old and appears to be the recipient of multiple text messages reflecting her awareness, to at least some degree, of Defendant's involvement in the underlying offenses. Her sister's responses to those messages hardly suggest that she would police Defendant's conduct, ensure that she complies with all restrictions, and appears in court as required.

For all these reasons, it is **ORDERED** that Defendant Citlali Martinez-Morales be **DETAINED** pending trial.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: April 26, 2024


United States Magistrate Judge